

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIE T. SMITH,

Plaintiff,

v.

R. BAKER et al.,

Defendants.

Case No. 3:15-cv-00524-RCJ-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1). Before the Court screened Plaintiff's complaint, Plaintiff filed a motion for voluntary dismissal. (ECF No. 3). Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

II. CONCLUSION

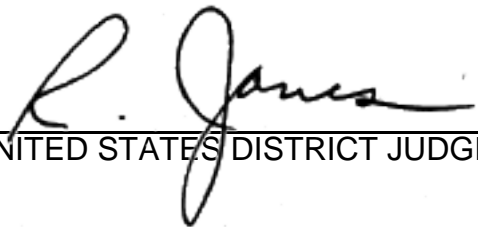
For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF No. 3) is granted.

1 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)
2 is denied as moot.

3 It is further ordered that this action is dismissed in its entirety without prejudice.

4 It is further ordered that the Clerk of the Court shall enter judgment accordingly.
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6 Dated: This 26th day of January, 2016.

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8 UNITED STATES DISTRICT JUDGE
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